

ASSEMBLY BILL

No. 2752

**Introduced by Committee on Transportation (Lowenthal (Chair),
Ammiano, Bloom, Bonta, Buchanan, Daly, Frazier, Gatto,
Holden, Nazarian, and Quirk-Silva)**

March 19, 2014

An act to amend Sections 14534 and 65089.2 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2752, as introduced, Committee on Transportation. Transportation programs.

Existing law provides for the adoption of the state transportation improvement program by the California Transportation Commission and for the adoption of a congestion management program by specified local agencies. Existing law specifies the duties of the Secretary of Transportation with regard to these programs.

This bill would correct obsolete references in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14534 of the Government Code is
2 amended to read:
3 14534. Upon the adoption of the state transportation
4 improvement program, the Secretary of ~~the Business,~~
5 ~~Transportation and Housing Agency,~~ the commission, and the
6 department shall act in accordance with the program in carrying

1 out their respective powers and duties, except as otherwise provided
2 by law.

3 The existing adopted state transportation improvement program
4 shall remain in effect until a new state transportation improvement
5 program is adopted by the commission.

6 SEC. 2. Section 65089.2 of the Government Code is amended
7 to read:

8 65089.2. (a) Congestion management programs shall be
9 submitted to the regional agency. The regional agency shall
10 evaluate the consistency between the program and the regional
11 transportation plans required pursuant to Section 65080. In the
12 case of a multicounty regional transportation planning agency, that
13 agency shall evaluate the consistency and compatibility of the
14 programs within the region.

15 (b) The regional agency, upon finding that the program is
16 consistent, shall incorporate the program into the regional
17 transportation improvement program as provided for in Section
18 65082. If the regional agency finds the program is inconsistent, it
19 may exclude any project in the congestion management program
20 from inclusion in the regional transportation improvement program.

21 (c) (1) The regional agency shall not program any surface
22 transportation program funds and congestion mitigation and air
23 quality funds pursuant to Section 182.6 and 182.7 of the Streets
24 and Highways Code in a county unless a congestion management
25 program has been adopted by December 31, 1992, as required
26 pursuant to Section 65089. No surface transportation program
27 funds or congestion mitigation and air quality funds shall be
28 programmed for a project in a local jurisdiction that has been found
29 to be in nonconformance with a congestion management program
30 pursuant to Section 65089.5 unless the agency finds that the project
31 is of regional significance.

32 (2) Notwithstanding any other provision of law, upon the
33 designation of an urbanized area, pursuant to the 1990 federal
34 census or a subsequent federal census, within a county which
35 previously did not include an urbanized area, a congestion
36 management program as required pursuant to Section 65089 shall
37 be adopted within a period of 18 months after designation by the
38 Governor.

39 (d) (1) It is the intent of the Legislature that the regional agency,
40 when its boundaries include areas in more than one county, should

1 resolve inconsistencies and mediate disputes—~~which~~ *that* arise
2 between agencies related to congestion management programs
3 adopted for those areas.

4 (2) It is the further intent of the Legislature that disputes—~~which~~
5 *that* may arise between regional agencies, or agencies—~~which~~ *that*
6 are not within the boundaries of a multicounty regional
7 transportation planning agency, should be mediated and resolved
8 by the Secretary of ~~Business, Housing and Transportation Agency,~~
9 or an employee of ~~that agency~~ *the Transportation Agency*
10 designated by the secretary, in consultation with the air pollution
11 control district or air quality management district within whose
12 boundaries the regional agency or agencies are located.

13 (e) At the request of the agency, a local jurisdiction that owns,
14 or is responsible for operation of, a trip-generating facility in
15 another county shall participate in the congestion management
16 program of the county where the facility is located. If a dispute
17 arises involving a local jurisdiction, the agency may request the
18 regional agency to mediate the dispute through procedures pursuant
19 to subdivision (d) ~~of Section 65089.2.~~ Failure to resolve the dispute
20 does not invalidate the congestion management program.